

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA

PLAINTIFF,

v.

Case No. 4:18CR00017-TWP-VTW

DAVID M. COX
DEFENDANT.

**DAVID M. COX'S SENTENCING MEMORANDUM
AND SUPPORTING MATERIALS**

James H. Voyles, Jr.
VOYLES VAIANA LUKEMEYER
BALDWIN & WEBB
141 E. Washington Street, Ste. 300
Indianapolis IN 46204
(317) 632-4463
(317) 631-1199 (fax)
jvoyles@voyleslegal.com

I. PRELIMINARY STATEMENT

This case is about a man who grew up with a lack of education, a difficult childhood and a man who made his living off the land, as well as his skills with his hands.

He is a very uncomplicated man who made a serious mistake, but on the other hand he is a man of great generosity and compassion for others. He is also a man who regrets being in front of this Court at this time.

This Court is required to enter a sentence that is “sufficient, but not greater than necessary” to satisfy the statutory sentencing objectives of promoting respect for the law, affording adequate deterrence, protecting the public, and providing the defendant with needed training and treatment. 18 U.S.C. § 3553(a).

Judging the conduct at issue against this backdrop, Mr. Cox respectfully suggests that a sentence of probation with appropriate monitoring and community service terms satisfies the objectives of sentencing.

II. DAVID COX'S HISTORY AND CHARACTERISTICS

In 1969, Mr. Cox was a 15 year old young man living in Clarksville, Indiana. While there he attended Clarksville Jr. High School, but he really didn't like school. To be honest, he was a little wild and did some crazy things and hung out with young men who were much older than he was. His mother and the school thought he needed to talk to a psychiatrist, so he went to see Dr. Mary Jane. When

meeting with her he told her that he did not like school. He also told her that his mom was going to Our Lady of Peace to get shock treatments and his dad was an alcohol. After several sessions with Dr. Mary Jane, she thought he needed to leave his home as soon as possible. At that time, Mr. Cox lived in what was called New Clarksville, and it was considered the better part of town. The area down by the Ohio River, which was called Clarksville, was the poorer side of town.

He began a relationship with a woman by the name of Vicki Burns, whose father owned a bait house and fish market, on a dead end street just about where the Falls of The Ohio Museum is now located. When school was out for the summer, he worked for Ms. Burns dad at the bait house. While there alcohol was easy to obtain, so not only did he use it but the others around him were using it also.

When he turned 16 years old, his aunt co-signed for a car. He used the car to haul his hunting dog and trapping supplies, but he also lived in the car with only the clothes he had. He quit school and left home. He parked his car in the back of the bait house and worked at the fish market doing odd jobs.

His dad was a carpenter and had two brothers who were carpenters, so Mr. Cox began working at odd jobs in the carpentry business. By the age of 17, he was making enough money to move out of his car and into a trailer.

When he was 17, he asked Vicki and her parents for her hand in marriage and they went off to Tennessee. They were married on December 3, 1971. When they got back home, they moved into an apartment that Vicki's father owned.